

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with atty. Stephen Glade on 06-29-2009. While reviewing the claims, the examiner changed the antecedent basis of "the first remote gaming server" to "a first remote gaming server" in the independent claims. The examiner also changed "personal gaming device" to "portable gaming device" in the independent claims to make them more consistent. Mr. Glade sent a fax on 06-30-2009 authorizing these minor changes to the proposed amendments. Mr. Glade had previously faxed the proposed amendments to the examiner based on an interview on 06-26-2009 in which the examiner believed that Claims 65 and 67 were among the limitations that most taught away from Walker ('640).

Claims 65 and 67 are newly cancelled as noted below.

The application has been amended as follows:

45. (Currently Amended) A portable gaming device in a gaming network, comprising:

a first processor;

memory;

a first display;

at least one interface for communicating with at least one other device in the gaming network;

the gaming device being operable to:

control a wager-based game played at the gaming device;

receive input from a first user for initiating a first wager-based gaming session at the gaming device;

~~receive gaming session information from a first remote gaming server;~~

~~initiate the first gaming session at the gaming device using at least a portion of the gaming session information;~~

receive, after initiation of the first gaming session, first wager information relating to a first wager to be placed by the first user in connection with game play conducted at the gaming device during the first gaming session, wherein the first wager information includes a wager amount;

initiate, during the first gaming session, play of a first wager-based game at the gaming device;

verify, during the first gaming session, periodic receipt of activation information from a first remote gaming server; and

prevent game play at the gaming device in response to a determination that no periodic activation information has been received at the gaming device during a first time interval;

receive gaming information generated by the first remote gaming server, wherein the gaming information relates to play of the wager-based game at the portable gaming device, wherein the gaming information includes data representing an outcome of the first wager-base game;

store the gaming information at the portable gaming device;

execute game code at the ~~personal~~ portable gaming device, the game code using at least a portion of the gaming information to present at least a portion of the wager-based game at the portable gaming device; and

present the ~~determine~~ a game outcome for the wager-based game played at the gaming device during the first gaming session.

48. (Currently Amended) The gaming device of claim 45 ~~wherein the first wager information includes a first wager amount, the gaming device~~ being further operable to:

receive first wager payment information relating to a payment of the first wager amount; and

accept placement of the first wager in response to receiving the first wager payment information.

49. (Currently Amended) The gaming device of claim 45 being further operable to:

~~Initiate, during the first gaming session, play of a first wager-based game at the gaming device; and~~

receiving, after initiating play of the first wager-based game at the gaming device, second wager information relating to a second wager to be placed by the first user in connection with game play conducted at the gaming device during the first gaming session, wherein the second wager information includes a second wager amount.

50. (Currently Amended) The gaming device of claim 49 ~~wherein the second wager information includes a second wager amount, the gaming device~~ being further operable to:

receive second wager payment information relating to a payment of the second wager amount; and

accept placement of the second wager in response to receiving the second wager payment information.

51. (Currently Amended) The gaming device of claim 45 ~~wherein the first wager information includes a first wager amount, the gaming device~~ further comprising:

a magnetic card reader;

the gaming device being further operable to:

read, using the magnetic card reader, financial account information from a card presented to the magnetic card reader;

receive first wager payment information relating to payment of a first wager amount; and

accept placement of the first wager in response to receiving the first wager payment information.

52. (Currently Amended) The gaming device of claim 45 ~~wherein the first wager information includes a first wager amount, the gaming device~~ further comprising:

a magnetic card reader;

the gaming device being further operable to:

enable the first user to use a credit card for providing payment of the first wager amount via use of the magnetic card reader;

accept, via use of the magnetic card reader, a credit card payment relating to the first wager amount; and

accept placement of the first wager in response to confirming payment of the first wager amount.

53. (Currently Amended) The gaming device of claim 45 ~~wherein the first wager information includes a first wager amount, the gaming device~~ further comprising:

an input mechanism for receiving cash or an indicia of credit;

the gaming device being further operable to:

receive, via the input mechanism, financial account information from a credit instrument presented to the input mechanism;

access, using at least a portion of the financial account information, credit information from a remote financial server, said credit information including available credit information relating to a financial account associated with the first user; and

verify, using at least a portion of the credit information, an availability of credit at the financial account sufficient to cover payment of the first wager amount.

64. (Currently Amended) The gaming device of claim 45 being further operable to:

store, in the memory, a first portion of base game code relating for a first wager-based game, the first portion of base game code being insufficient, when executed at the gaming device, to enable the gaming device to present the first wager-based game for play at the gaming device;

receive additional gaming information including game code or data relating to the first wager-based game from the first remote gaming server; and

present, using the first portion of base game code and the ~~additional game~~ code or data received with the additional gaming information, the first wager-based game for play at the gaming device.

65. (Currently Cancelled)

66. (Currently Amended) The gaming device of claim 45 being further operable to:

store, in the memory, a first portion of base game code relating to a first wager-based game, the first portion of game code being insufficient, when executed at the gaming device, to enable the gaming device to present the first wager-based game for play at the gaming device;

receive additional gaming information including game data relating to the first wager-based game from the first remote gaming server, wherein the additional game data includes payable information; and

present, using the first portion of the base game code and the ~~additional game data~~ received with the additional gaming information, the first wager-based game for play at the gaming device.

67. (Currently Cancelled)

77. (Currently Amended) A method of operating a portable gaming device in a gaming network, the portable gaming device including a first processor, memory, a first display, and at least one interface for communicating with at least one other gaming device in the gaming network, the method comprising:

controlling a wager-based game played at the gaming device;

receiving input from a first user for initiating a first wager-based gaming session at the gaming device;

~~receiving gaming session information from a first remote gaming server;~~

initiating the first gaming session at the gaming device ~~using at least a portion of the gaming session information;~~

receiving, after initiation of the first gaming session, first wager information relating to a first wager to be placed by the first user in connection with game play conducted at the gaming device during the first gaming session, wherein the first wager information includes a first wager amount;

initiating, during the first gaming session, play of a first wager-based game at the gaming device

verifying, during the first gaming session, periodic receipt of activation information from a first remote gaming server; and

preventing game play at the gaming device in response to a determination that no periodic activation information has been received at the gaming device during a first time interval;

receiving gaming information generated by the first remote gaming server, wherein the gaming information relates to play of the first wager-based game at the portable gaming device, wherein the gaming information includes data representing an outcome of the first wager-based game;

storing the gaming information at the portable gaming device;

executing game code at the portable personal-gaming device, the game code using at least a portion of the gaming information to present at least a portion of the wager-based game at the portable gaming device; and

presenting-determining-a game outcome for the first wager-based game played at the gaming device during the first gaming session.

79. (Currently Amended) The method of claim 77, ~~wherein the first wager information includes a first wager amount~~, the gaming device further comprising:

receiving first wager payment information relating to a payment of the first wager amount; and

accepting placement of the first wager in response to receiving the first wager payment information.

80. (Currently Amended) The method of claim 77 further comprising:

~~Initiating, during the first gaming session, play of a first wager-based game at the gaming device; and~~

receiving, after initiating play of the first wager-based game at the gaming device, second wager information relating to a second wager to be placed by the first user in connection with game play conducted at the gaming device during the first gaming session, wherein the second wager information includes a second wager amount.

81. (Currently Amended) The method of claim 80, ~~wherein the second wager information includes a second wager amount~~, the gaming device further comprising:

receiving second wager payment information relating to a payment of the second wager amount; and

accepting placement of the second wager in response to receiving the second wager payment information.

82. (Current Amended) A portable gaming device in a gaming network, comprising:

a first processor;

memory;

a first display;

at least one interface for communicating with at least one other device in the gaming network;

an input mechanism for receiving cash or an indicia of credit;
controlling a wager-based game played at the gaming device;
means for receiving input from a first user for initiating a first wager-based gaming session at the gaming device;

~~means for receiving gaming session information from a first remote gaming server;~~

~~means for initiating the first gaming session at the gaming device using at least a portion of the gaming session information;~~

means for receiving, after initiation of the first gaming session, first wager information relating to a first wager to be placed by the first user in connection with game play conducted at the gaming device during the first gaming session, wherein the first wager information includes a first wager amount;

means for initiating, during the first gaming session, play of a first wager-based game at the gaming device;

means for verifying, during the first gaming session, periodic receipt of activation information from a first remote gaming server; and

means for preventing game play at the gaming device in response to a determination that no periodic activation information has been received at the gaming device during a first time interval;

means for receiving, after initiating play of the first wager-based game at the gaming device, second wager information relating to a second wager to be placed by the first user in connection with game play conducted at the gaming device during the

first gaming session, wherein the second wager information includes a second wager amount;

means for receiving gaming information generated by the first remote gaming server, wherein the gaming information relates to play of the wager-based game at the portable gaming device, wherein the gaming information includes data representing an outcome of the first wager-based game;

means for storing the gaming information at the portable gaming device;

means for executing game code at the ~~personal~~ portable gaming device, the game code using at least a portion of the gaming information to present at least a portion of the wager-based game at the portable gaming device; and

means for ~~presenting~~ determining a game outcome for the wager-based game played at the gaming device during the first gaming session.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: The examiner did not believe there was any suggestion in the prior art for, on a portable gaming device, initiating a first wager-based gaming session, receiving after initiation of the gaming session, first wager information comprising a wager amount, initiating play of the first wager-based game during the gaming session, receiving periodic activation from a remote server during the gaming session and preventing game play if the activation session has not been received for at least an interval, receiving gaming information from the remote gaming server comprising an outcome of the wager-based

game, and using the gaming information to present the game outcome for the wager-based game to the player during the gaming session. During the interview on 06-26-2009, the examiner indicated to the applicants that he felt the limitations of Claims 65 and 67 most clearly taught away from Walker ('640), the base reference. '640 teaches the player purchasing a pool of outcomes (essentially making a wager or wagers beforehand), the pools being stored on a portable gaming device, the outcomes being revealed to the player one at a time as the player plays the games one by one, and the player being paid out his or her winnings when the player returns the portable gaming device. The examiner believes that the receipt of gaming information from the remote gaming server, this information used to present the game outcome to the player during the game session (cancelled claim 65), and the periodic receipt of activation information, without which game play cannot continue (cancelled claim 67), most clearly taught away from '640, as these limitations require constant interactivity with the gaming server during the gaming session. The claims teach away from Schneier ('398), the secondary reference, for similar reasons. All of the independent claims are of similar scope. The most relevant tertiary references are Jaynes ('515) and Tanskanen ('204). '515 teaches a mobile receiving/transmitting device with a display that receives a signal from one or more beacons, and can be used for Internet access or making payments, but does not pertain to receiving game outcome information from a remote server, or cutting off access to wagering or other services in the event a periodic activation signal has not been received for an interval. '204 teaches a mobile device used for wagering, which can be used for plural wagers (Fig. 1, Para. 16), but similarly does not pertain to

receiving game outcome information from a remote server, or cutting off access to wagering or other services in the event a periodic activation signal has not been received for an interval.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance." The examiner respects that the applicants may have different reasons for allowance.

Citation of Pertinent Prior Art

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Overton in U.S. pre-grant publication 2004/0242321 A1 and Jen, et al. in U.S. pre-grant publication 2004/0224741 A1 teach heartbeat packets used in gaming applications used to periodically check if an online connection is still valid.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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